UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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United States of America,

Plaintiff

v.

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David Reyes Zepeda,

Defendant

Case No. 2:13-cr-0078-JAD-VCF

Order Denying Motion

[ECF No. 63]

Former federal prisoner David Reyes Zepeda is currently serving a state-court sentence in the custody of the Nevada Department of Corrections. He claims that a term of his state plea deal was that he would serve his time for that state-law violation in federal prison and that his 12||12-36 month sentence would run concurrent to any sentence imposed for violating his terms of 13 federal supervised release, so he moves this court to have him transferred to federal custody.

This court lacks the ability to grant this relief primarily because Zepeda is not currently 15 subject to a federal custodial sentence. Although he may ultimately be convicted of a violation of his federal supervision conditions as a result of the conduct that currently has him serving time in state prison, that new federal conviction has not yet happened. So, at this time, Zepeda is subject to a custodial sentence for his state-court conviction only, and he must serve it in state prison.

IT IS THEREFORE ORDERED that Zepeda's motion [ECF No. 63] is DENIED.

U.S. District Judge Jennifer A. Dorsey

Dated: April 30, 2019

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¹ ECF No. 63.